THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 691 of 2006

DATED: 10-01-2006

Between:

Syed Niranjan …Petitioner

And

The Divisional Forest Officer,

Warangal North Division,

Warangal District and two others …Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 691 of 2006

ORDER:

Petitioner filed this writ petition seeking to declare the action of the respondents in seizing the Lorry bearing Registration No. AP-07-V-1769 seized by the respondents 2 and 3 on 17-12-2005 as illegal and arbitrary.

The case of the petitioner is that he is the owner of the lorry bearing registration No. AP-07-V-1769 and the said lorry was engaged on hire by one M. Prabhakara Reddy for transportation of the charcoal and when the said vehicle was proceeding, the respondents 2 and 3 seized the said lorry on 17-12-2005 on the ground that the said lorry was transporting 80.50 quintals of charcoal at Thorrur Village, Warangal District. It is stated that as the said lorry found in various offences punishable under Sections 29 and 44 of the A.P.

Forest Act, 1967 and A.P. Charcoal (Production and Transportation) Rules, 1992. Under Section (2-A) and (2-B) of Section 44 of A.P. Forest Act, 1967, a show cause notice dated 17-12-2005 in POR No.1636/66 was issued to the petitioner, who is the owner of the lorry as well as to one Md. Pasha and to the said
M. Prabhakar Reddy calling upon them to make representation within seven days as to why the Charcoal together with the aforesaid vehicle should not be confiscated.

It is stated that the said show cause notice was received on 05-01-2006 and it is not known whether any explanation was submitted or not within seven days from the date of receipt of notice. However, petitioner filed a petition under Section 44(3) of the Act for the interim custody of the said vehicle on imposing certain terms and conditions. As the said petition filed under Section 44(3) of the Act filed on 05-01-2006 is pending consideration on the file of the first respondent, I am not inclined to entertain the writ petition on merits, as the consequential questions are pending.

Having regard to the facts and circumstances of the case, first respondent is directed to consider and dispose of the representation filed under Section 44(3) within two weeks from the date of receipt of a copy of this order. No order as to costs.

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V. ESWARAIAH, J.

Dated: 10-01-2006.

RNS